

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	DOI-BLM-MT-C020-2013-0028-EA
	DATE POSTED: 10/30/2012
NAME: Ridge Pipeline/Fence	DATE DUE: 11/15/2012
	FUNDING: 8100
LOCATION: Carter County T5S, R55E: Section 27 (Pipeline) T6S, R55E Sec. 27, 34, 35 (Fence) (See Attached Maps)	RIPS# 015866 RIPS# 015907

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Matt Lewin	RMS	Completion

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Bobby Baker	Wildlife Biologist	Wildlife	11/9/12 BJB
CJ Truesdale	Archeologist	Cultural / Paleontological Resources	<i>CJ 12/13/2012</i> <i>MT-020-13-10</i>
Curt Kunugi	Civil Engineer Tech.	Engineering	CAK 10/31/12
Reyer Rens	Supervisory Rangeland Management Specialist	Review	RR 12/17/2012



ENVIRONMENTAL COORDINATOR

2/14/2013

DATE

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-MT-C020-2013-0028-EA

RIPS# 015907

GR# 3880

RIPS# 015866

PROPOSED ACTION/TITLE TYPE: Ridge Pipeline/Fence

LOCATION OF PROPOSED ACTION: Carter County

T5S, R55E: Section 27 (Pipeline)

T6S, R55E Sec. 27, 34, 35 (Fence)

(See Attached Maps)

PREPARING OFFICE: Miles City

DATE OF PREPARATION: 10/16/2012

CONFORMANCE WITH APPLICABLE LAND USE PLAN: This proposed action is in conformance with the Powder River RMP Record of Decision ROD approved in 1985, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 11 “guidelines are best management practices, treatments and techniques, and implementation of range improvements...” Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD, states “guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing.”

SCOPING: This project was posted on Montana/Dakotas BLM webpage on 11/15/2012, for public information requests. Internal scoping identified the issues below. No additional issues were brought forth by the public. Included visiting with the permittee.

ISSUES IDENTIFIED THROUGH SCOPING:

- *Cultural:*
 - Effects to cultural sites, paleontological localities, or sacred sites of interest to Tribes
- *Livestock Grazing:*
 - Effects to level of permitted use
- *Grazing Administration:*
 - Effects to livestock management on the allotment
- *Wildlife:*
 - Effects to habitats of game and nongame wildlife species
- *Vegetation:*
 - Effects to vegetative condition and meeting Standards for Rangeland Health

PURPOSE AND NEED: The purpose and need of the project is to ensure that the BLM lands within the Williams Allotment continue to meet the Standards for Rangeland Health. Continue to provide for adequate livestock management through the construction of a pipeline and a cross fence. The existing water sources in the allotment are reservoirs and pits that have been silted in or blown out over the years. The permittee and the NRCS developed the pipeline to provide for a reliable water source throughout the allotment to replace old stock water pits and reservoirs, improve livestock distribution and improve wildlife habitat

within the Williams Allotment. The cross fence is needed to split a roughly 5 section pasture into two separate pastures to improve livestock distribution and enhance vegetative conditions.

PROPOSED ACTION: The proposed action is to construct two projects within the Williams allotment.

Ridge Pipeline: Authorize the construction of the pipeline along an existing two track across BLM administered land in T5S R55E section 34 NE1/4 within the Williams Allotment (#10602). The pipeline would begin at a private well. The total length of the pipeline is approximately 17 miles. The portion of public land that the pipeline will cross is approximately 2,984'. No stock water tanks would be placed on BLM land. Natural Resources Conservation Service (NRCS) would be responsible for all pipeline and stock tank designs. The permittee and NRCS would be responsible for all funding, materials and labor. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed. Revegetation of the disturbed area would be expected to occur over a period of time. A cooperative range improvement agreement would be signed prior to construction and the permittee would be assigned all future maintenance of the pipeline.

Ridge Fence: Design, contract, and inspect approximately 11,873' of wildlife friendly fence in T5S R55E sec. 27, 34; T6S R56E sec. 6. Approximately 8,154' would cross BLM lands and 3,719' would cross private lands. The fence would be built according to the BLM Manual Handbook H-1741-1. The fence would be a stranded four-wire fence. The top three wires would be barbed with the bottom wire being smooth. The wire spacing would be top to bottom 42", 30", 22", and 16". No blade work will occur during the construction of this fence. The only surface disturbance would be from increased traffic from pickup trucks and ATV/UTV use during construction.

Timing restrictions from December 1 to March 31 would be enacted for the protection of big game winter range; and April 15 to July 15 for the protection of migratory bird nesting and brood rearing activities.

ALTERNATIVE 1 - NO ACTION: The "No Action" alternative would be to not allow the development of the proposed projects.

AFFECTED ENVIRONMENT:

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

Mandatory Item	Potentially Impacted	No Impact	Not Present On Site
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources			X
Air Quality		X	
Cultural or Historical Values			X

Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian			X
Native American Religious Concerns		X	
Wastes, Hazardous or Solids		X	
Invasive, Nonnative Species		X	
Environmental Justice		X	

The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: Forestry, Hydrology, Lands/Realty, Geology/Minerals, Recreation, and Socio-economics.

Cultural: The cultural environment of the Miles City Field Office as of May 2005 contained 7065 prehistoric and 2869 historic archeological sites as well as 1929 paleontological localities. Archeological sites occur in all counties encompassed by the field office; all but Roosevelt County contain paleontological localities (Aaberg et. al. 2006). Paleontological localities primarily occur within the Hell Creek and Fort Union geologic formations. 95% of all paleontological localities occur in Garfield, Carter, Dawson, McCone, Powder River, and Treasure Counties.

The overall archeological site density of the Miles City Field Office (historic and prehistoric) is 1 site per 93 acres (Aaberg et. al. 2006). Prehistoric sites distribute at 1 site per 130.8 acres (4.9/sq. mile). Historic sites distribute at 1 site per 322 acres (2/sq. mile) for all surveyed acres within the Miles City Field Office. Archeological sites within Carter County contain 7% of all recorded prehistoric sites and 15% of all historic sites within the Miles City Field Office (Aaberg et. al. 2006).

The inventory of 8.19 acres along the proposed ridge pipeline did not result in the identification and recording of any cultural or paleontological resources.

Grazing Administration: There are 4,554 acres of BLM land rated at 811 AUMs, 1,347 acres of state land rated at 314 AUMs and 10,067 acres of deeded land rated at 2,813 AUMs associated with the Williams Allotment. It reads as follows:

GR # 2503880

Allotment Name & Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Williams #10602	322	C	03/01	02/28	21	Active	811

Total Active AUMs: 811

Terms and Conditions:

Grazing is authorized during the listed season for the recognized capacity of the public land. Livestock will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Supplemental feed (includes salting) will not be placed within one quarter of a mile of stock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feed defined as feed that provides for improved livestock nutrition or rangeland management but does not replace forage available from public lands.

Livestock Grazing: The allotment has been historically grazed by cow/calf pairs. The typical season of use has been summer/fall grazing. Occasional early and/or late season grazing occurs with the majority of use during these times taking place on private lands on the west side of the allotment.

Vegetation: The allotment was analyzed and determined to be meeting the Standards for Rangeland Health in June 2005. Follow up field visits have found the allotment to still be meeting the standards. The vegetation found within the allotment matches what is expected for this portion of Carter County.

Grasses that are commonly found on the uplands throughout the allotment include both cool and warm season species such as; needle and thread, green needlegrass, western wheatgrass, little bluestem, blue grama, prairie junegrass and Sandberg bluegrass. Japanese brome is found in small amounts. The riparian areas along Crow Creek and its tributaries are dominated by prairie cordgrass and sedges. Shrubs found within the allotment include; silver sagebrush, Wyoming big sagebrush, rubber rabbitbrush, greasewood and skunkbush sumac. Rocky Mountain juniper is found on many of the rocky outcrops and hills, particularly in T5S, R55E, Sections 22 and 23.

No special status species are known to occur on BLM lands within the allotment. Riparian inventories and surveys indicate that Canada thistle is present in small amounts along a tributary of Crow Creek in T5S, R55E, Section 23.

VRM: The proposed projects are within a VRM Class IV. The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

Wildlife: This allotment provides habitat for game species including mule deer, pronghorn, and seasonal habitat for both sharp-tailed grouse and sage grouse. A portion of this allotment provides winter range habitat for mule deer. This allotment is located within preliminary priority habitat for sage grouse as identified in WO-IM-2011-043. However, sage grouse habitat does not exist within or immediately adjacent to the proposed route. There are no sage grouse leks located within the project area. The closest sage grouse leks are located 3 – 3 1/2 miles to the NE and SE of the project area. Sage grouse have been observed in this portion of private lands in the winter season. “Unknown” status sharp-tailed grouse leks exist to the southwest approximately 3.4 miles. A variety of non-game species would be expected to utilize this area, including raptors, songbirds, and others. This area does not provide habitat for T&E species.

ENVIRONMENTAL IMPACTS:

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Cultural: There will be no affect to cultural or paleontological resources through the proposed action.

Grazing Administration: There would be no changes to the permit.

Livestock Grazing: The installation of the pipeline and associated stock tanks on deeded, and the fence would improve livestock management/distribution and decrease grazing pressure in key areas, on the allotment. The cross fencing would force livestock to utilize areas that are currently receiving light to no

use and relieve areas that are receiving moderate to heavy use. The new water sources would help pull livestock away from sensitive riparian areas. The available water primarily consists of pits and reservoirs. Due to the nature of the erosive soils, many of the reservoir and pits have become silted in leaving little to no water storage. The implementation of these projects would provide for improved livestock distribution and a more reliable source of livestock water.

Vegetation: Localized vegetative disturbance would occur along the pipeline and fence route; however this impact would heal itself and become less evident with time, usually within 1 to 2 growing seasons. The overall condition of the vegetation would remain stable or improve with increased livestock distribution from the fence and associated stock tanks. The Williams Allotment would be expected to continue to meet the Standards for Rangeland Health.

VRM: Vegetation along the fence would recover within one to two growing seasons. Until then there may be short term detracting for the existing landscape. Long term effects of the project will not change the characteristic of the landscape. No additional tanks are being installed with this project to detract from the landscape.

Wildlife: Most wildlife species would be displaced during construction activities; however, diversity and distribution of wildlife would be expected to return to normal shortly thereafter. Timing restrictions from December 1 to March 31 would be enacted for the protection of big game winter range, and migratory bird (April 15 to July 15) nesting and brood rearing activities. Habitat near new water sources would most likely be utilized at an increased level by livestock, although habitats in other areas with historically higher utilization would improve in condition.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:

Cultural: No impacts through the No Action Alternative

Grazing Administration: There would be no changes to the permit

Livestock Grazing: Livestock grazing would continue as usual without dependable water throughout the allotment. Current livestock water sources would continue to age and lose reliability. Management flexibility would be maintained at the current level for now and decrease over time. Areas adjacent to the existing water sources would be utilized at the current degree, being heavy in some instances, increasing over time.

Vegetation: The vegetation within the allotment would not be expected to change under this alternative. Livestock distribution would continue to be centered on existing sources of water. The Williams Allotment would be expected to continue to meet the Standards for Rangeland Health.

VRM: The landscape will have no short term or long term affect to the visual value of the landscape on the public land.

Wildlife: No changes to the existing conditions would occur. Higher use levels by livestock would continue to be centered around existing sources of water in draws used by wildlife.

CUMULATIVE IMPACTS

There will be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997.

Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

MITIGATION:

Noxious Weeds/Invasive Species All vehicles and equipment used in conjunction with the construction activities will be cleaned of all vegetation, plant parts and soil prior to entering BLM lands. If weeds are located prior to construction, BLM will initiate control measures. If noxious weeds are present after construction, BLM will map and document weeds and coordinate with the permittee to initiate control measures.

Wildlife Timing restrictions from December 1 to March 31 will be enacted for the protection of big game winter range, and April 15 to July 15 for migratory bird nesting and brood rearing activities.

CONSULTATION/COORDINATION:

Permittee

LIST OF PREPARERS:

Matt Lewin, Rangeland Management Specialist

Bobby Baker, Wildlife Biologist

CJ Truesdale, Archeologist

Reyer Rens, Supervisory Rangeland Management Specialist

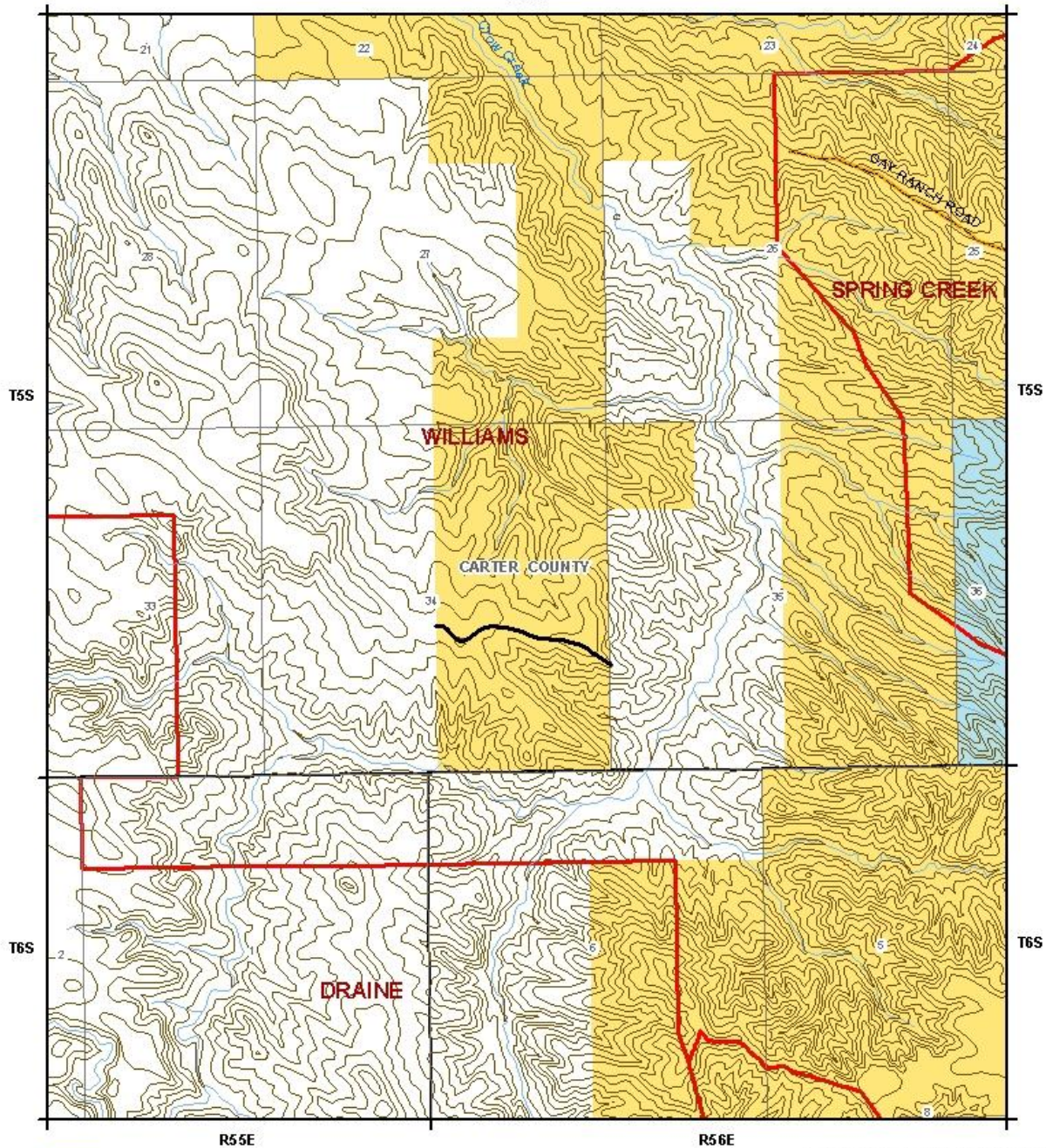
Kathleen Bockness, Environmental Coordinator



Ridge Pipeline

R55E

10/16/2012

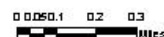


- BLM - Public Domain
- Private
- Division of State Lands
- Ridge Pipeline
- Allotment Boundary

R56E



1:24,000



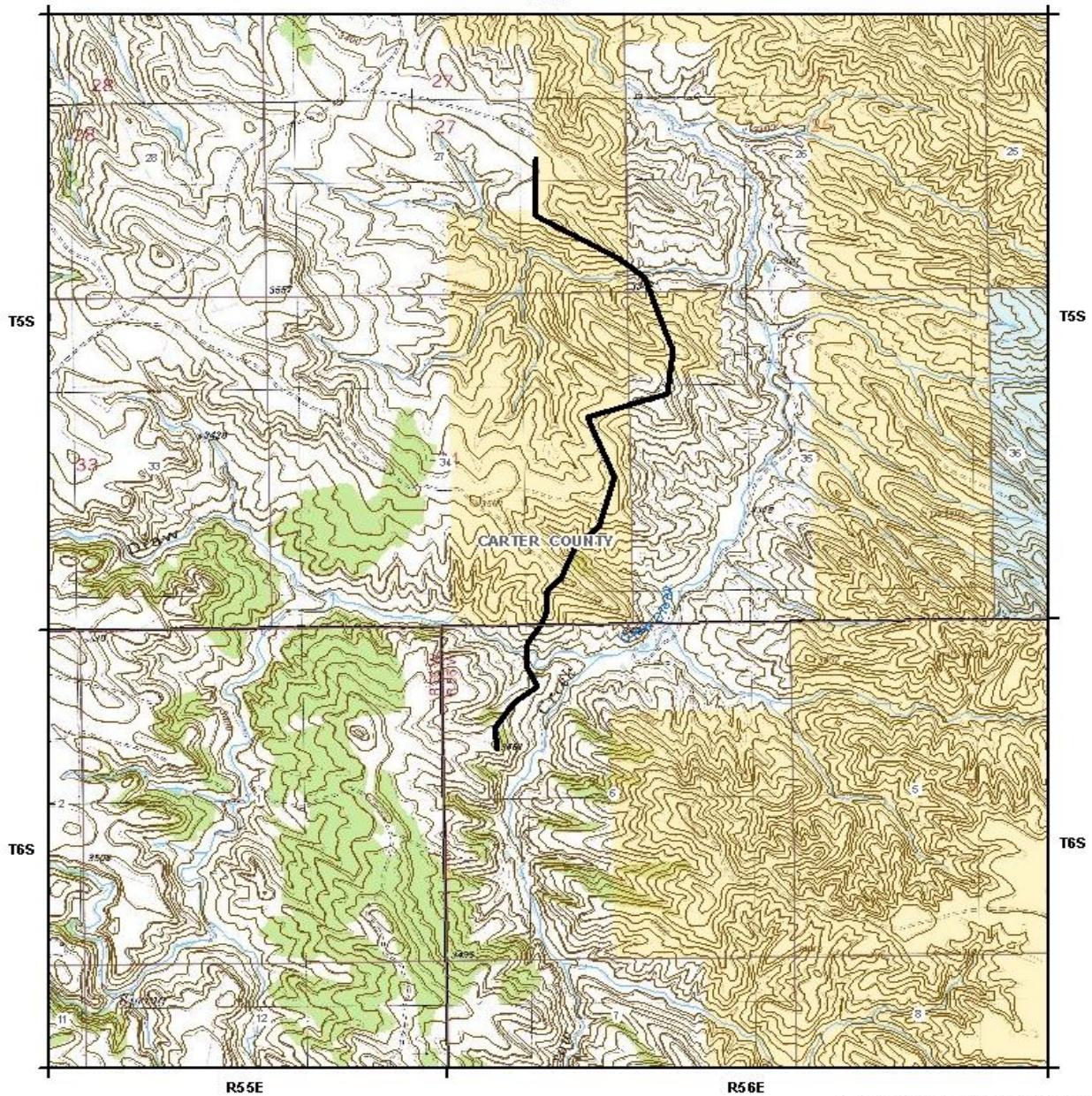
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION:
Land ownership data is derived from less accurate data than the 1:24,000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.



Ridge Fence

10/31/2012

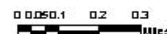


Surface Management Agencies MTDK

- BLM - Public Domain
- Private
- Division of State Lands
- Fence



1:24,000



UNITED STATES DEPARTMENT OF THE INTERIOR
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MILES CITY FIELD OFFICE

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**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT**

**Ridge Pipeline/Fence
DOI-BLM-MT-C020-2013-0028-EA**

BACKGROUND

The origin of the environmental assessment was due to a request from a grazing permittee to construct a stockwater pipeline and cross fence across public.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0028-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives with the applied cultural stipulations will not have significant environmental impacts beyond those already addressed in the Powder River Resource Management Plan, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota Record of Decision approved in 1997.
- (2) The Proposed Action is in conformance with the Record of Decision for the Powder River Resource Management Plan as amended; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The proposed action would occur in the Williams Allotment No. 10602, designated as available for livestock grazing in the Powder River RMP, as amended. The RMP, as amended, anticipated that rangeland improvements, such as water development, fencing, etc., would occur to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing. The proposed action is in accordance with the Powder River RMP.

Ridge Pipeline: Authorize the construction of the pipeline along an existing two track across BLM administered land in T5S R55E section 34 NE1/4 within the Williams Allotment (#10602). The pipeline would begin at a private well. The total length of the pipeline is approximately 17 miles. The portion of public land that the pipeline will cross is approximately 2,984'. No stock water tanks would be placed on BLM land. Natural Resources Conservation Service (NRCS) would be responsible for all pipeline and stock tank designs. The permittee and NRCS would be responsible for all funding, materials and labor. The

pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed. Revegetation of the disturbed area would be expected to occur over a period of time. A cooperative range improvement agreement would be signed prior to construction and the permittee would be assigned all future maintenance of the pipeline.

Ridge Fence: Design, contract, and inspect approximately 11,873' of wildlife friendly fence in T5S R55E sec. 27, 34; T6S R56E sec. 6. Approximately 8,154' would cross BLM lands and 3,719' would cross private lands. The fence would be built according to the BLM Manual Handbook H-1741-1. The fence would be a stranded four-wire fence. The top three wires would be barbed with the bottom wire being smooth. The wire spacing would be top to bottom 42", 30", 22", and 16". No blade work will occur during the construction of this fence. The only surface disturbance would be from increased traffic from pickup trucks and ATV/UTV use during construction.

Timing restrictions from December 1 to March 31 would be enacted for the protection of big game winter range; and April 15 to July 15 for the protection of migratory bird nesting and brood rearing activities.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Ridge Pipeline decision relative to each of the ten areas suggested for consideration by the CEQ.

1. *Impacts that may be both beneficial and adverse.* The EA considered both potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the Powder River RMP, as amended, to which the EA is tiered.

2. *The degree to which the proposed action affects public health and safety.* No aspect of the proposed action would have an effect on public health and safety.

3. *Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* There are no known historic or cultural resource sites that would be affected by the proposed action. A pre-project cultural resource survey was conducted in conjunction with the location of the EA and did not result in the discovery of significant cultural properties. The Montana BLM and the Montana Historic Preservation Office have developed a protocol agreement recognizing the paucity of discoverable historic properties. There are no parks, prime farmlands, or wild and scenic rivers in the planning area. As actual field work for the project is completed, cultural or historic resources may be found within project area. These will be protected according to mitigation within the EA and also the stipulations within the Rangeland Improvement Cooperative Agreement.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* The effects of the actions planned under the proposed action are similar to many other rangeland improvement projects implemented within the scope of the Powder River RMP, as amended. No

unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The analysis has not shown that there would be any unique or unknown risks to the human environment not previously considered and analyzed in EISs to which this EA is tiered. Rangeland Improvements have been pursued and accomplished for many years in the various vegetation types of the RMP.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Powder River RMP, as amended. Additionally, rangeland improvements within grazing allotments are expected activities within the RMP.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Powder River RMP, as amended.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources. See Cultural report MT-020-13-10.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. There are no threatened or endangered species or habitat in the area of the proposed action. There are no threatened or endangered plant species or habitat in the area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action does not threaten to violate any Federal, State, or local law.



2/22/2013

Todd D. Yeager
Field Manager
Miles City Field Office

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION**

**Ridge Pipeline/Fence
DOI-BLM-MT-C020-2013-0028-EA**

DECISION

It is my decision to select the Proposed Action Alternative as described in the Ridge Pipeline/Fence EA. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in rangeland improvement activities, including the installation of a pipeline and cross fence on public lands within the Williams Allotment No. 10602. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Powder River Resource Management Plan, as amended.

ALTERNATIVES

In addition to the selected alternative, the EA considered a "No Action" alternative (Alternative 1) that would carry out no management activities at this time.

RATIONALE FOR SELECTION The purpose of the action is to further distribute livestock water, enhance rangeland health and maintain wildlife habitat in the Williams Allotment. This action would ensure the allotment would continue to meet the Standards for Rangeland Health. The selected alternative would most effectively meet the purpose of the action. It would enhance landscape health, improve livestock distribution, and maintain wildlife habitat by increasing management options and improve livestock distribution. Use around previously existing water sources would decrease with beneficial effects to habitats in those areas.

The No Action Alternative would carry out current management actions thus not meeting the purpose and need of improving water distribution in the pasture so that livestock grazing would occur in such a manner that would allow the allotment to continue to meet the Standards for Rangeland Health.

CONSULTATION AND COORDINATION

The permittee of the Williams Allotment No. 10602 was consulted. The Ridge Pipeline/Fence EA was made available online via the Miles City Field Office NEPA log.

IMPLEMENTATION

Once the Ridge Pipeline/Fence EA FONSI and Decision Record are approved, a Cooperative Range Improvement Agreement would be signed with the Cooperator. Once this Cooperative Range Improvement Agreement is approved by the Authorized Officer, this gives the Cooperator authorization to proceed with the project.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this decision. The language of the cited sections can be found at a library

designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Office Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.



Todd D. Yeager
Field Manager
Miles City Field Office

2/22/2013

Date

